

### **V. REMARKS**

Entry of the Amendment is proper under 37 C.F.R. §1.116 because the Amendment: a) places the application in condition for allowance for the reasons discussed herein; b) does not raise any new issue requiring further search and/or consideration because the Amendment amplifies issues previously discussed throughout prosecution; and c) places the application in better form for appeal, should an Appeal be necessary. The Amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. The amendments to the subject claims do not incorporate any new subject matter into the claims. Thus, entry of the Amendment is respectfully requested.

Claims 1, 2, 4 and 5 are rejected under 35 USC 112, first paragraph, for allegedly failing to comply with the written description requirement. Claim 1 is amended to obviate the rejection. Withdrawal of the rejection is respectfully requested.

Claim 1, 2, 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Claim 1 is amended to obviate the rejection. Withdrawal of the rejection is respectfully requested.

Claims 1 and 5 are rejected under 35 USC 102 (b) as being anticipated by JP 2004-098780. The rejection is respectfully traversed.

As indicated in the Office Action, claim 2 is objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims. Claim 1 is amended by including the features of claim 2, now canceled. As a result, the pending claims are now in condition for allowance.

Claim 4 is rejected under 35 USC 103 (a) as being unpatentable over JP 2004-098780. The rejection is respectfully traversed.

Claim 4 depends from claim 1 and includes all of the features of claim 1. Thus, it is respectfully submitted that the dependent claim is allowable at least for the reasons claim 1 is allowable as well as for the features it recites.

Withdrawal of the rejection is respectfully requested.

It is respectfully requested that the withdrawn claims be rejoined to the application. Particularly, it is respectfully requested that at least claims 6-20 be rejoined to the application because all of these claims depend from claim 1, which is now in condition for allowance.

It is respectfully submitted that the pending claims are believed to be in condition for allowance over the prior art of record. Therefore, this Amendment is believed to be a complete response to the outstanding Office Action. Further, Applicants assert that there are also reasons other than those set forth above why the pending claims are patentable. Applicants hereby reserve the right to set forth further arguments and remarks supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.

In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same,

Application No. 10/560,046

Docket No.: OHK-0012  
(80365-0012)

the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

Dated: April 16, 2010

Respectfully submitted,

By 

Carl Schenkowitch

Registration No.: 29,211

Brian K. Dutton

Registration No.: 47,255

RADER, FISHMAN & GRAUER PLLC

Customer Number: 23353

Attorney for Applicant

Enclosures: Amendment Transmittal

DC387739.DOC